

REMARKS/ARGUMENTS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicants also acknowledge with appreciation the indication that claims 15 and 28 contain allowable subject matter, on Page 7 of the Official Action.

Applicants submit that the instant amendment is proper for entry after final rejection. Applicants submit that no question of new matter or any new issues are raised in entering the instant amendment of the claims and that no new search would be required. In this regard, Applicants submit that the present amendments are submitted merely for purposes of clarification.

Moreover, Applicants submit that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicants request that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the above amendments, claims 15 and 28 will have been amended. Claims 1-32 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claims 15 and 28 under 35 U.S.C. § 112, second paragraph, for lacking proper antecedent basis. Without acquiescing to the propriety of the Examiner's rejection, Applicants have amended claims 15 and 28, where appropriate, in order to address the Examiner's concerns. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 15 and 28 under 35 U.S.C. § 112, second paragraph.

In the Official Action, the Examiner has rejected claims 1-14, 16-27 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over CASANOVA et al. (U.S. Patent No. 6,364,115) in view of CERNY (U.S. Patent No. 4,860,890).

Applicants respectfully traverse the Examiner's above-noted rejection. In this regard, Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, fail to disclose the combination of elements as recited in claims 1 and 2.

In particular, claim 1 sets forth an article packaging body including: an article containing plate having a plurality of recesses configured to receive articles; a cover plate connected to the article containing plate; and a gripping plate which extends from either one of the article containing plate and the cover plate, the gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, the grips configured to be individually separable from each other, the gripping plate configured to be folded onto the article containing plate such that the articles are received in corresponding recesses.

Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, lack a proper disclosure of at least the above-noted combination of elements.

In setting forth the rejection, the Examiner asserts that CASANOVA discloses the general structure of the presently claimed article packing body. The Examiner acknowledges that CASANOVA does not disclose the presently claimed gripping plate (see, Page 3, Paragraph 6 of the Official Action). Nevertheless, the Examiner asserts that it would have been obvious to modify the device of CASANOVA with the purported gripping plate of CERNY in order to easily remove small batteries from a package.

Contrary to the Examiner's Assertions, Applicants submit that the Examiner has not provided any proper reasoning for the suggested modification. More specifically, Applicants

submit that CASANOVA is generally directed to a battery package for preventing rotation of batteries within the package, and as such, does not even contemplate the ease by which the batteries are removed from the packaging; much less, facilitating the insertion of a battery into a small device. Further, Applicants submit that the Specification of CASANOVA (including drawings) is directed toward housing a much larger battery (e.g., “AA” and “AAA” batteries), rather than the hearing aid batteries of CERNY.

In this regard, Applicants submit that (because the disclosure of CASANOVA is directed towards relatively large batteries) there is no reason to provide the device of CASANOVA with the tabs of CERNY which are used to “ease the process of inserting small batteries into small electrical devices” (see, Column 1, lines 67 and 68).

Additionally, Applicants submit that the Examiner has not reasonably shown that the tabs of CERNY are configured or structured to support the large batteries of CASANOVA at a distal end; nor has the Examiner provided any proper reasoning for doing so.

Thus, Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, fail to disclose at least the presently claimed gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, as generally recited in independent claim 1.

Additionally, the element of CERNY which the Examiner considered to be equivalent to the presently claimed gripping plate (see, the annotated figure included on Page 4 of the Official Action dated August 9, 2007) is not configured to fold onto the element of CERNY which the Examiner considers to be equivalent to the presently claimed article containing plate. To the contrary, the element of CERNY which the Examiner considered to be equivalent to the presently claimed gripping plate is actually stationarily fixed to the portion of the device which

the Examiner has identified as the article retaining plate. In fact, CERNY clearly shows that it is the cover portion which is configured to fold (see, the annotated figure on page 4 of the Official Action), i.e., so as to close the package. Thus, Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, fail to disclose at least the presently claimed gripping plate being configured to be folded onto the article containing plate; much less, the articles being received in corresponding recesses.

Applicants further submit that independent claim 2, as amended, is generally somewhat similar to independent claim 1 in that it recites, inter alia, each gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end. Therefore, claim 2 is submitted to also be allowable for at least reasons generally similar to claim 1, as discussed supra.

Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 103 and allow all pending claims in the present application.

In view of the arguments herein, Applicants submit that independent claims 1 and 2 are in condition for allowance. With regard to dependent claims 3-32, Applicants assert that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1 and 2 which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to such effect. Applicants have evidenced the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.


Applicants note the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicants note amendments after final are not entered as a matter of right; however, Applicants submit that the present amendment does not raise new issues or the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Further, Applicants submit that the amendments to claims 15 and 28, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P25834.A07


Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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November 9, 2007
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